



June 24, 2026

Re: Recycling Reform Act Draft Rule Concepts – Comment Period 1

Department of Ecology,

Thank you for the opportunity to submit informal comments on the first round of draft rule concepts as part of the rulemaking process for the Recycling Reform Act (WAC 173-950).

Seattle Public Utilities understands and appreciates Ecology's role in adopting rules on topics specifically directed under statute, as well as in clarifying requirements and expectations related to the Recycling Reform Act. On the latter, **we encourage an approach that limits formal rule adoption to areas where there are clear gaps or lack of clarity in statute that impede Ecology's ability to effectively implement, administer, or enforce the law.** To provide clarity or detail to interested parties seeking information on topics that do not meet this test of necessity, issuing guidance may be a preferred approach as it enables Ecology to provide clear and consistent interpretations while allowing for greater flexibility as the landscape of packaging and materials management evolves over time.

We also understand Ecology's responsibility to identify opportunities for harmonizing rules across states that have passed similar laws, but we believe that this effort toward harmonization must not restrict or alter the legislative intent of the statutory language of the Washington RRA.

Our comments on specific sections from the draft language is organized by section as follows:

173-950-020 Applicability

We recommend using the term "introduce", which is specifically defined in statute.

173-950-030 Selected Definitions

We do not believe that definitions are necessary or appropriate for "primary packaging", "secondary packaging" or "tertiary packaging". These terms are not included in statute and we believe the definitions offered in the draft rule concept are potentially more limited and/or confusing than intended in statute. Similarly, we do not believe that "covered material" is necessary to define in rule. The term is already defined in statute and the definition offered in the draft rule concept is potentially more limited and/or confusing than intended in statute.

173-950-510 Exclusion Petition

This seems overly detailed and prescriptive for rule.

Sincerely,

A handwritten signature in black ink, appearing to read "McKenna Morrigan".

McKenna Morrigan
Strategic Advisor – Waste Prevention and Product Stewardship
Solid Waste Planning & Program Management Division
Seattle Public Utilities